

### REMARKS

This application has been reviewed in light of the Office Action dated June 29, 2004. Claims 1-42, 56-67, 69, 73-100, and 102-106<sup>2</sup> are presented for examination. Claims 56, 69, 73, and 85 have been amended to define still more clearly what Applicants regard as their invention. Claims 1, 15, 27, 36, 56, 69, 73, and 85 are in independent form. Favorable reconsideration is requested.

Applicants note with appreciation the allowance of Claims 1-42.

The Office Action objected to the specification because of the reasons stated at page 2 of the Office Action. Applicants have replaced appropriate paragraphs of the reissue application, filed on August 26, 1999, with corrected paragraphs as shown above, to properly incorporate the Certificate of Correction changes at column 5, line 3, column 9, line 49, and column 13, line 56, such that the reissue application reflects the original patent, U.S. Patent No. 5,661,362, as corrected by the Certificate of Correction (i.e., with the corrections incorporated without bracketing or underlining, pursuant to M.P.E.P. § 1411.01). Accordingly, Applicants submit that the objection to the specification has been obviated, and respectfully request its withdrawal.

Claims 56-67, 68, 73-100, and 102-106 were rejected under 35 U.S.C. § 251 as allegedly being an improper recapture of previously surrendered subject matter.

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<sup>2/</sup>Applicants note that the Office Action Summary sheet and Detailed Action section of the Office Action erroneously indicate that Claim 101 is pending in the application. Claim 101 was deleted from the reissue application in the Amendment and Petition For Extension of Time filed on May 6, 2003. Accordingly, Claim 101 will not be further addressed herein.

In particular, the Office Action asserts that those claims are an improperly broad recapture because they do not incorporate the limitation “a display device having fluorescent members at the inner side of a face plate which is located above the electron-emitting devices” (see pages 2 and 3 of the Office Action).

Applicants, without conceding the merits of the rejection, have amended independent Claims 56, 69, 73, and 85 to incorporate features substantially along the lines of the above-quoted limitation, including language which is consistent with other elements recited in those claims (similar features also are set forth in allowed Claims 1, 15, 27, and 36).

Applicants believe that amendments to Claims 56, 69, 73, and 85 obviate the rejection under 35 U.S.C. § 251, and submits that these claims are now in condition for allowance.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and allowance of the present reissue application.<sup>3</sup>

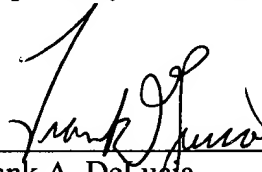
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<sup>3</sup>/Based on a telephone conversation between the Examiner and the undersigned attorney during July 2004, Applicants understand that the Examiner will review this case with her supervisor before issuing subsequent office actions, because the prior examiner apparently was overruled at

If the Examiner believes that any issues remain outstanding, she is respectfully requested to contact the undersigned attorney.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank A. DeLucia", is written over a horizontal line.

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least once by a supervisor, causing a delay in prosecution of this application as well as undue expense and burden to Applicants. The Examiner is sincerely thanked for her indication.